

Message

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 4/1/2020 5:04:53 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Irving, John [Irving.John@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Kolb, John (JohnMark) [kolb.john@epa.gov]
Subject: RE: Hill Enforcement Policy Letters
Attachments: Edits 2020-03-31 EPA Temporary Enforcement Compliance Guidance Letter_draft 4-1 (OGC comments).docx

Attached are OGC's comments/suggestions.

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Wednesday, April 1, 2020 12:42 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: RE: Hill Enforcement Policy Letters

OCIR will do final formatting and distribution. The plan is to address the letter to Pelosi, McCarthy, McConnell, and Schumer but send to every Member office and relevant Committees. AAW still needs to review which is what I was planning to send at 2:00 p.m.

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, April 1, 2020 12:39 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: Re: Hill Enforcement Policy Letters

Who is in charge of final formatting and distribution?

Sent from my iPad

On Apr 1, 2020, at 12:36 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

Thank you. I'd like to move this forward by 2:00 p.m. Please get any edits or comments to me before then. Thanks, Joe

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Wednesday, April 1, 2020 12:27 PM

To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

See edits to your clean copy.

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Sent: Wednesday, April 1, 2020 11:59 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

Thanks, Susan. I added an additional line and made an additional edit here. Clean and tracked, attached. Susan, please ensure you are OK with the line I included.

What is the status of this with OGC?

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Wednesday, April 1, 2020 11:37 AM

To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

Edits to last night's version

From: Bodine, Susan

Sent: Tuesday, March 31, 2020 6:15 PM

To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

Adding Vicki's numbers.

Susan

From: Bodine, Susan

Sent: Tuesday, March 31, 2020 5:44 PM

To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

Probably better to look at the clean version. Vicki is collecting the stats referred to in the letter. So it will have to be tomorrow.

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Sent: Tuesday, March 31, 2020 3:18 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

All – Kicking the attached rough draft by OCIR on to OECA. I have included an option in the first paragraph if it is decided to send to all Members rather than just the ones we have received a letter from. Another comment is a question for OECA. It is keyed for Susan's signature but can be changed to the Administrator or anyone else.

The urgency for getting this out has increased – OPA what is the timing looking like? Tonight or tomorrow?

Thanks,

Joe

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Brazauskas, Joseph

Sent: Tuesday, March 31, 2020 9:34 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

Agree Doug. OCIR can work up a quick first draft using the materials that we have currently and then send on to OECA for refinement.

Joseph A. Brazauskas Jr.

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Benevento, Douglas <benevento.douglas@epa.gov>

Sent: Tuesday, March 31, 2020 9:33 AM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

I agree with an aggressive response, I'll leave it to Susan on when they can turn from the work they are doing to respond to such a letter. It is disheartening that the guidance would be misrepresented requiring staff to take time from what they're doing to respond.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Sent: Tuesday, March 31, 2020 9:27 AM

To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>

Subject: RE: Hill Enforcement Policy Letters

I'm support the clap-back approach. You can probably pull from the "corrections" press release we put out yesterday.

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Tuesday, March 31, 2020 9:25 AM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: Re: Hill Enforcement Policy Letters

I think we should respond and clap back on the misreporting and misconceptions of these letters. The deadline I think is arbitrary but the quicker the better. Including John and OPA. Open to any additional thoughts on how best to respond.

Joseph A. Brazauskas Jr.
Associate Administrator
Congressional and Intergovernmental Relations
U.S. EPA

On Mar 31, 2020, at 9:19 AM, Kolb, John (JohnMark) <kolb.john@epa.gov> wrote:

Susan,

Two enforcement related letters just came in, one at 9pm last night and the other at 9am this morning. The first one is from Rep. Katie Porter with 87 signers, the other is from the House Sustainable Energy and Environment Coalition (8 signers). Both ask for a response by tomorrow, April 1.

Sincerely,

JohnMark Kolb
Congressional Affairs
U.S. Environmental Protection Agency
C: (202) 713-0825

<Letter In Response to the Non-Enforcement Policy .pdf>

<SEEC Leadership Letter re EPA Enforcement 3.31.pdf>

<2020-03-31 EPA Temporary Enforcement Compliance Guidance Letter_draft 4-1_clean.docx>

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 4/1/2020 3:55:50 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Hull, George [Hull.George@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

This looks good. Thanks

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
Office: (202) 564-8040
Cell: (202) 594-7437

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, April 1, 2020 11:54 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

I'm good with Susan's edits.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Wednesday, April 1, 2020 11:47 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA
Importance: High

OGC, is this all set to send? We need to get it to the reporters ASAP or they will run our last statement

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, April 1, 2020 11:42 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

See suggestion below to address David's issue

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Wednesday, April 1, 2020 11:23 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

We have to do this quickly...as the Hill and Politico are writing and they have our other response.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, April 1, 2020 11:21 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

(b) (5)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, April 1, 2020 11:18 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

Adding OGC.

They did read the policy and quote from it. But then they mischaracterize it. The petition refers to: "EPA's new policy of blanket non-enforcement"

See edit below.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Wednesday, April 1, 2020 10:43 AM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Subject: RE: NRDC, Partners Demand Emergency Action from EPA

(b) (5)



From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Wednesday, April 1, 2020 10:39 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: NRDC, Partners Demand Emergency Action from EPA

Flagging this inquiry for everyone. We can stick to pre-approved language and get her something quickly, but we've already gotten several inquiries on this same topic this morning. Will likely be another round of stories on our policy

From: Rebecca Beitsch <rebecca@thehill.com>
Sent: Wednesday, April 1, 2020 10:34 AM
To: Press <Press@epa.gov>
Subject: Fwd: NRDC, Partners Demand Emergency Action from EPA

Hey guys,

Wanted to see if you had a comment on this.

Thanks!

Rebecca Beitsch
Energy and Environment Reporter
The Hill
rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

----- Forwarded message -----

From: Elizabeth Heyd <eheyd@nrdc.org>
Date: Wed, Apr 1, 2020 at 10:27 AM
Subject: NRDC, Partners Demand Emergency Action from EPA
To: <rbeitsch@thehill.com>



FOR IMMEDIATE RELEASE

Contact: Jake Thompson, jthompson@nrdc.org, 301-602-3627, or Elizabeth Heyd, ehayd@nrdc.org, 202-813-8315

Groups Petition EPA Over Reckless Non-Enforcement Policy

Call on Agency to Protect Public Health, Overburdened Communities from Pollution

WASHINGTON (April 1, 2020) – The Environmental Protection Agency must issue an emergency rule protecting public health following its recent non-enforcement policy that encourages industries to stop monitoring and reporting pollution in the midst of the COVID-19 pandemic, according to a petition filed today by the Natural Resources Defense Council and a coalition of environmental justice, climate justice, and public interest advocacy groups. The directive creates a serious and immediate risk to people and communities, especially those overburdened by air and water pollution.

“This is a cruel paradox. The EPA is using an unprecedented public health crisis to justify allowing polluters to put our health at even greater risk—at a time when we most need their protection,” said **Gina McCarthy, president and CEO of the Natural Resources Defense Council**. “That’s especially true for communities of color who disproportionately live with higher levels of pollution close to their homes. And it’s especially egregious because these same communities face higher risks from COVID-19, as a result of pollution-related heart and lung problems. This agency is abandoning its responsibility to protect our health. It’s time for EPA do its job and stop doing polluters’ dirty work.”

The groups petitioned the EPA to issue a rule requiring companies that take advantage of the policy to publicly disclose—in writing—when they stop monitoring or reporting their air and water pollution emissions, along with a detailed justification for doing so. The petition also urges EPA to notify the public by publishing that information within one day of notice from the companies.

The groups further called on EPA to issue this final rule within seven days, as any further delay would likely lead to widespread noncompliance in the meantime, resulting in serious damage to public health. Also, the most impacted would be already overburdened communities and people living near facilities that pollute.

“This suspension of EPA enforcement adds a heightened anxiety to environmental justice communities, far too many of which live in fear of potential explosions at nearby industrial facilities,” said **Michele Roberts, National Co-Coordinator for the Environmental Justice Health Alliance**. “The policy is devastating to communities and one of its first impacts – leaving the public in the dark – must be stopped immediately through a rule that requires facilities to tell the public that they have stopped monitoring their own pollution so we can act.”

“Frontline communities were already living with a public health crisis due to disproportionate exposure to toxic pollution the EPA is charged with monitoring and mitigating, long before COVID-19 exacerbated the situation,” explained **Climate Justice Alliance Executive Director, Angela Adrar**. “We demand EPA do its job and give frontline communities a fighting chance to live their power during these challenging times that require a Just Recovery, not a free pass for polluters.”

“In shameless exploitation of the coronavirus emergency, the Trump administration has announced that it will stop enforcing our nation’s environmental rules,” said **Robert Weissman, President of Public Citizen**. “Requiring transparency, as we request in this petition, is a simple but crucial way to make sure that enforcement gets back on track after the emergency ends.”

In its non-enforcement directive issued last week, EPA asks—but does not require—companies to inform the agency if they stop monitoring pollution for COVID-19-related reasons. Environmental monitoring and reporting are essential for at-risk communities around the country.

People need accurate and timely information about their environment in order to protect themselves from pollution —especially in the midst of a pandemic that puts those with heart and lung disease at higher risk.

Monitoring and reporting also serve a critically important deterrent function. Facilities are more likely to stay within their pollution limits if they know someone is watching. EPA’s dangerous new non-enforcement policy will mean not only less information but also more pollution in already-overburdened communities.

COVID-19 is exacerbating social and environmental injustices in low-income communities and communities of color who live with disproportionate levels of pollution every day. These communities have higher rates of chronic respiratory problems, cancer and disease, making them more vulnerable to the worst impacts of COVID-19. Additionally, while experts stress the importance of frequent hand-washing to stop the spread of the disease, these communities are more likely to live with unsafe, unreliable, or unaffordable water supplies.

The NRDC and coalition groups’ petition is here: <https://www.nrdc.org/resources/petition-emergency-rulemaking-administrator-united-states-environmental-protection-agency>

###

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 3 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at NRDC.org and follow us on Twitter [@NRDC](https://twitter.com/NRDC).

The Environmental Justice Health Alliance (EJHA) is a national network of communities of color, Indigenous communities, and low-income communities that are disproportionately impacted by toxic chemical hazards. EJHA works to address the multiple harms caused by the hazardous chemical and energy industries — including waste, pollution, and health hazards — and support community-based solutions that improve health and well-being. Visit us at www.Ej4All.org.

The Climate Justice Alliance is a national member alliance of 70 urban and rural frontline communities, organizations and supporting networks in the climate justice movement. CJA is dedicated to building Just Transitions away from extractive systems of production, consumption and political oppression, and towards resilient, regenerative and equitable economies. www.climatejusticealliance.org

ELIZABETH HEYD

Sr. Communications Program Asst

NRDC

NATURAL RESOURCES

DEFENSE COUNCIL

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If you would rather not receive future communications from Natural Resources Defense Council, let us know by clicking [here](#).
Natural Resources Defense Council, 1152 15th St NW Suite 300, Washington, DC 20005 United States

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 4/1/2020 2:42:42 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Hull, George [Hull.George@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

Current statement on enforcement is below. Adding OGC for a quick review. Is everyone good with this?

(b) (5)



From: Woods, Andrea
Sent: Wednesday, April 1, 2020 10:39 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: NRDC, Partners Demand Emergency Action from EPA

Flagging this inquiry for everyone. We can stick to pre-approved language and get her something quickly, but we've already gotten several inquiries on this same topic this morning. Will likely be another round of stories on our policy

From: Rebecca Beitsch <rebecca@thehill.com>
Sent: Wednesday, April 1, 2020 10:34 AM
To: Press <Press@epa.gov>
Subject: Fwd: NRDC, Partners Demand Emergency Action from EPA

Hey guys,

Wanted to see if you had a comment on this.

Thanks!

Rebecca Beitsch
Energy and Environment Reporter
The Hill
rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

----- Forwarded message -----

From: Elizabeth Heyd <ehyd@nrdc.org>
Date: Wed, Apr 1, 2020 at 10:27 AM
Subject: NRDC, Partners Demand Emergency Action from EPA
To: <rbeitsch@thehill.com>



FOR IMMEDIATE RELEASE

Contact: Jake Thompson, jthompson@nrdc.org, 301-602-3627, or Elizabeth Heyd, ehyd@nrdc.org, 202-813-8315

Groups Petition EPA Over Reckless Non-Enforcement Policy

Call on Agency to Protect Public Health, Overburdened Communities from Pollution

WASHINGTON (April 1, 2020) – The Environmental Protection Agency must issue an emergency rule protecting public health following its recent non-enforcement policy that encourages industries to stop monitoring and reporting pollution in the midst of the COVID-19 pandemic, according to a petition filed today by the Natural Resources Defense Council and a coalition of environmental justice, climate justice, and public interest advocacy groups. The directive creates a serious and immediate risk to people and communities, especially those overburdened by air and water pollution.

“This is a cruel paradox. The EPA is using an unprecedented public health crisis to justify allowing polluters to put our health at even greater risk—at a time when we most need their protection,” **said Gina McCarthy, president and CEO of the Natural Resources Defense Council.** “That’s especially true for communities of color who disproportionately live with higher levels of pollution close to their homes. And it’s especially egregious because these same communities face higher risks from COVID-19, as a result of pollution-related heart and lung problems. This agency is abandoning its responsibility to protect our health. It’s time for EPA do its job and stop doing polluters’ dirty work.”

The groups petitioned the EPA to issue a rule requiring companies that take advantage of the policy to publicly disclose—in writing—when they stop monitoring or reporting their air and water pollution emissions, along with a detailed justification for doing so. The petition also urges EPA to notify the public by publishing that information within one day of notice from the companies.

The groups further called on EPA to issue this final rule within seven days, as any further delay would likely lead to widespread noncompliance in the meantime, resulting in serious damage to public health. Also, the most impacted would be already overburdened communities and people living near facilities that pollute.

“This suspension of EPA enforcement adds a heightened anxiety to environmental justice communities, far too many of which live in fear of potential explosions at nearby industrial facilities,” said **Michele Roberts, National Co-Coordinator for the Environmental Justice Health Alliance.** “The policy is devastating to communities and one of its first impacts – leaving the public in the dark – must be stopped immediately through a rule that requires facilities to tell the public that they have stopped monitoring their own pollution so we can act.”

“Frontline communities were already living with a public health crisis due to disproportionate exposure to toxic pollution the EPA is charged with monitoring and mitigating, long before COVID-19 exacerbated the situation,” explained **Climate Justice Alliance Executive Director, Angela Adrar.** “We demand EPA do its job and give frontline communities a fighting chance to live their power during these challenging times that require a Just Recovery, not a free pass for polluters.”

“In shameless exploitation of the coronavirus emergency, the Trump administration has announced that it will stop enforcing our nation’s environmental rules,” said **Robert Weissman, President of Public Citizen.** “Requiring transparency, as we request in this petition, is a simple but crucial way to make sure that enforcement gets back on track after the emergency ends.”

In its non-enforcement directive issued last week, EPA asks—but does not require—companies to inform the agency if they stop monitoring pollution for COVID-19-related reasons. Environmental monitoring and reporting are essential for at-risk communities around the country.

People need accurate and timely information about their environment in order to protect themselves from pollution —especially in the midst of a pandemic that puts those with heart and lung disease at higher risk.

Monitoring and reporting also serve a critically important deterrent function. Facilities are more likely to stay within their pollution limits if they know someone is watching. EPA's dangerous new non-enforcement policy will mean not only less information but also more pollution in already-overburdened communities.

COVID-19 is exacerbating social and environmental injustices in low-income communities and communities of color who live with disproportionate levels of pollution every day. These communities have higher rates of chronic respiratory problems, cancer and disease, making them more vulnerable to the worst impacts of COVID-19. Additionally, while experts stress the importance of frequent hand-washing to stop the spread of the disease, these communities are more likely to live with unsafe, unreliable, or unaffordable water supplies.

The NRDC and coalition groups' petition is here: <https://www.nrdc.org/resources/petition-emergency-rulemaking-administrator-united-states-environmental-protection-agency>

###

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 3 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at NRDC.org and follow us on Twitter [@NRDC](https://twitter.com/NRDC).

The Environmental Justice Health Alliance (EJHA) is a national network of communities of color, Indigenous communities, and low-income communities that are disproportionately impacted by toxic chemical hazards. EJHA works to address the multiple harms caused by the hazardous chemical and energy industries — including waste, pollution, and health hazards — and support community-based solutions that improve health and well-being. Visit us at www.EJ4All.org.

The Climate Justice Alliance is a national member alliance of 70 urban and rural frontline communities, organizations and supporting networks in the climate justice movement. CJA is dedicated to building Just Transitions away from extractive systems of production, consumption and political oppression, and towards resilient, regenerative and equitable economies. www.climatejusticealliance.org

ELIZABETH HEYD

Sr. Communications Program Asst

NRDC

NATURAL RESOURCES

DEFENSE COUNCIL

1152 15TH STREET NW, SUITE 300

WASHINGTON, DC 20005

T 202-289-2424

M 202-813-8315

EHEYD@NRDC.ORG

[@NRDCPRESS](https://twitter.com/NRDCPRESS)

NRDC.ORG

Please save paper.
Think before printing.

If you would rather not receive future communications from Natural Resources Defense Council, let us know by clicking [here](#).
Natural Resources Defense Council, 1152 15th St NW Suite 300, Washington, DC 20005 United States

Message

From: Carter, Brittany S. [carter.brittanys@epa.gov]
Sent: 4/2/2020 3:56:29 PM
To: jim macy [jim.macy@nebraska.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Temporary Enforcement Policy - Hill Letters
Attachments: 2020-04-02 EPA-Porter (EPA Temporary Enforcement Compliance Guidance).pdf; 2020-04-02 EPA-Feinstein (EPA Temporary Enforcement Compliance Guidance).pdf; 2020-04-02 EPA-Quigley (EPA Temporary Enforcement Compliance Guidance).pdf

Hi Jim,

Attached are copies of the Temporary Enforcement Compliance letters. Please let us know us know if you have any questions.

Best regards,

Britt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

April 2, 2020

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your March 31, 2020, letter regarding the Agency's March 26, 2020, Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (Temporary Policy).

I am writing to clarify the misconceptions and misreporting regarding the Temporary Policy. Let me assure you that, contrary to allegations you may have read, EPA continues to enforce the environmental laws and protect human health and the environment nationwide.

EPA's Temporary Policy was created in response to inquiries from the states and the regulated community. Over the past few weeks, the Agency has been inundated with questions from both about how to handle the current extraordinary situation where contractors are not available because of travel restrictions, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow the Agency to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting.

The nation is facing an unprecedented situation with regard to COVID-19 that presents an imminent health risk to workers across America. These risks are both new and unpredictable. As of the end of March, the Centers for Disease Control and Prevention reported 163,539 cases of COVID-19 and 2,860 deaths from this disease, in the United States. Health experts expect those numbers to increase significantly.

In carrying out EPA's mission to protect both human health and the environment the Agency is working to ensure that critical services, including access to clean water necessary to fighting COVID-19, are not interrupted during this national emergency. EPA is operating in the best interest of all Americans, including those who are working to keep our infrastructure running and monitoring environmental compliance. These workers face immediate health risks from this global emergency. Irresponsible allegations that EPA is giving industry a license to pollute mischaracterizes the Agency's response to those risks and impugns the work that the dedicated Agency officials continue to perform during this challenging time.

To be clear, EPA continues to enforce our nation's environmental laws. We will continue to work with

federal, state, and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public.

In this unprecedented time, it is critical for the EPA to prioritize our resources and recognize the current risks facing the American people. Some have argued that the Agency should direct resources towards responding to each enforcement discretion request separately. However, this argument ignores the fact that the COVID-19 pandemic is a nationwide phenomenon. Diverting EPA staff time to respond to individual questions about routine monitoring and reporting requirements would hinder EPA's ability to focus on continued protection of human health and the environment.

By way of comparison, in 2005-06 Hurricanes Katrina and Rita impacted only five states. In response, EPA, under the leadership of former Administrator Stephen Johnson and former Assistant Administrator Granta Nakayama, issued at least 41 separate enforcement discretion actions as well as one fuel waiver and 21 force majeure letters. In 2012, Hurricane Sandy impacted only four states. In response, EPA, under the leadership of former Administrator Lisa Jackson and former Assistant Administrator Cynthia Giles issued or invoked at least 13 separate enforcement discretion actions, as well as five fuel waivers. In 2012, eight of the enforcement discretion actions issued by former Assistant Administrator Giles suspended enforcement of entire sections of the Code of Federal Regulations, as well as state implementation plan and permit requirements, rather than making facility specific determinations. The current COVID-19 pandemic impacts all areas of all 50 states. Making facility specific determinations at this time regarding the impact of the pandemic would truly shut down EPA's enforcement and compliance assurance program.

The Temporary Policy does require case-by-case determinations. But under the Temporary Policy, those determinations will be made after the pandemic is over and EPA reserves the right to disagree with any assertion that noncompliance was caused by the pandemic. Specifically, the Temporary Policy clearly states that EPA is not seeking penalties for noncompliance *only* in circumstances that involve routine monitoring and reporting requirements, *if*, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. In this scenario, regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. It is in the public interest to allow critical infrastructure to remain operational while also allowing workers to exercise social distancing by moving to shift work and reducing the number of people at a facility at any one time.

The Temporary Policy does not excuse exceedances of pollutant limitations in permits, regulations, and statutes due to the COVID-19 pandemic. EPA expects regulated entities to comply with all obligations and if they do not, the Temporary Policy says that the Agency will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable,

and to return to compliance as quickly as possible, once the COVID-19 threat subsides. Additionally, the Temporary Policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The Agency strongly disagrees with those who argue that a more appropriate response to this public health crisis would be to force facilities to either shut down or to put people at risk by keeping all their workers at the facility at the same time, to continue routine monitoring and reporting in addition to maintaining the operation of critical infrastructure, including pollution control equipment. It also is no solution to force facilities to choose one of those options until EPA or a state could review the facts of each situation and approve an individual, site-specific no action assurance. Presidential Policy Directive 21 identifies 16 critical infrastructure sectors. As noted above, making up front individual determinations of whether every facility in every sector can continue routine monitoring and reporting is not feasible.

The measures in this Temporary Policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. EPA takes its environmental mandate to protect human health and the environment very seriously and will continue to carry out our mission during this time.

Sincerely,

A handwritten signature in cursive script, reading "Susan Parker Bodine".

Susan Parker Bodine
Assistant Administrator

cc: United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

April 2, 2020

The Honorable Katie Porter
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Porter:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your March 30, 2020, letter regarding the Agency's March 26, 2020, Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (Temporary Policy).

I am writing to clarify the misconceptions and misreporting regarding the Temporary Policy. Let me assure you that, contrary to allegations you may have read, EPA continues to enforce the environmental laws and protect human health and the environment nationwide.

EPA's Temporary Policy was created in response to inquiries from the states and the regulated community. Over the past few weeks, the Agency has been inundated with questions from both about how to handle the current extraordinary situation where contractors are not available because of travel restrictions, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow the Agency to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting.

The nation is facing an unprecedented situation with regard to COVID-19 that presents an imminent health risk to workers across America. These risks are both new and unpredictable. As of the end of March, the Centers for Disease Control and Prevention reported 163,539 cases of COVID-19 and 2,860 deaths from this disease, in the United States. Health experts expect those numbers to increase significantly.

In carrying out EPA's mission to protect both human health and the environment the Agency is working to ensure that critical services, including access to clean water necessary to fighting COVID-19, are not interrupted during this national emergency. EPA is operating in the best interest of all Americans, including those who are working to keep our infrastructure running and monitoring environmental compliance. These workers face immediate health risks from this global emergency. Irresponsible allegations that EPA is giving industry a license to pollute mischaracterizes the Agency's response to those risks and impugns the work that the dedicated Agency officials continue to perform during this challenging time.

To be clear, EPA continues to enforce our nation's environmental laws. We will continue to work with federal, state, and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public.

In this unprecedented time, it is critical for the EPA to prioritize our resources and recognize the current risks facing the American people. Some have argued that the Agency should direct resources towards responding to each enforcement discretion request separately. However, this argument ignores the fact that the COVID-19 pandemic is a nationwide phenomenon. Diverting EPA staff time to respond to individual questions about routine monitoring and reporting requirements would hinder EPA's ability to focus on continued protection of human health and the environment.

By way of comparison, in 2005-06 Hurricanes Katrina and Rita impacted only five states. In response, EPA, under the leadership of former Administrator Stephen Johnson and former Assistant Administrator Granta Nakayama, issued at least 41 separate enforcement discretion actions as well as one fuel waiver and 21 force majeure letters. In 2012, Hurricane Sandy impacted only four states. In response, EPA, under the leadership of former Administrator Lisa Jackson and former Assistant Administrator Cynthia Giles issued or invoked at least 13 separate enforcement discretion actions, as well as five fuel waivers. In 2012, eight of the enforcement discretion actions issued by former Assistant Administrator Giles suspended enforcement of entire sections of the Code of Federal Regulations, as well as state implementation plan and permit requirements, rather than making facility specific determinations. The current COVID-19 pandemic impacts all areas of all 50 states. Making facility specific determinations at this time regarding the impact of the pandemic would truly shut down EPA's enforcement and compliance assurance program.

The Temporary Policy does require case-by-case determinations. But under the Temporary Policy, those determinations will be made after the pandemic is over and EPA reserves the right to disagree with any assertion that noncompliance was caused by the pandemic. Specifically, the Temporary Policy clearly states that EPA is not seeking penalties for noncompliance *only* in circumstances that involve routine monitoring and reporting requirements, *if*, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. In this scenario, regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. It is in the public interest to allow critical infrastructure to remain operational while also allowing workers to exercise social distancing by moving to shift work and reducing the number of people at a facility at any one time.

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EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat subsides. Additionally, the Temporary Policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The Agency strongly disagrees with those who argue that a more appropriate response to this public health crisis would be to force facilities to either shut down or to put people at risk by keeping all their workers at the facility at the same time, to continue routine monitoring and reporting in addition to maintaining the operation of critical infrastructure, including pollution control equipment. It also is no solution to force facilities to choose one of those options until EPA or a state could review the facts of each situation and approve an individual, site-specific no action assurance. Presidential Policy Directive 21 identifies 16 critical infrastructure sectors. As noted above, making up front individual determinations of whether every facility in every sector can continue routine monitoring and reporting is not feasible.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Susan Parker Bodine". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

Susan Parker Bodine
Assistant Administrator

cc: Members of the U.S. House of Representatives



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

April 2, 2020

The Honorable Mike Quigley
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Quigley:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your March 31, 2020, letter regarding the Agency's March 26, 2020, Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (Temporary Policy).

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Sincerely,

A handwritten signature in dark ink, appearing to read "Susan Parker Bodine". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

Susan Parker Bodine
Assistant Administrator

cc: Members of the U.S. House of Representatives

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 4/1/2020 2:51:48 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

ECOS is trying to get a letter to us by COB today.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Wednesday, April 1, 2020 10:43 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: NRDC, Partners Demand Emergency Action from EPA

(b) (5)



From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Wednesday, April 1, 2020 10:39 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: NRDC, Partners Demand Emergency Action from EPA

Flagging this inquiry for everyone. We can stick to pre-approved language and get her something quickly, but we've already gotten several inquiries on this same topic this morning. Will likely be another round of stories on our policy

From: Rebecca Beitsch <rebecca@thehill.com>
Sent: Wednesday, April 1, 2020 10:34 AM
To: Press <Press@epa.gov>
Subject: Fwd: NRDC, Partners Demand Emergency Action from EPA

Hey guys,

Wanted to see if you had a comment on this.

Thanks!

Rebecca Beitsch
Energy and Environment Reporter
[The Hill](https://www.thehill.com)
rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

----- Forwarded message -----

From: Elizabeth Heyd <ehayd@nrdc.org>
Date: Wed, Apr 1, 2020 at 10:27 AM
Subject: NRDC, Partners Demand Emergency Action from EPA
To: <rbeitsch@thehill.com>



FOR IMMEDIATE RELEASE

Contact: Jake Thompson, jthompson@nrdc.org, 301-602-3627, or Elizabeth Heyd, eheyd@nrdc.org, 202-813-8315

Groups Petition EPA Over Reckless Non-Enforcement Policy

Call on Agency to Protect Public Health, Overburdened Communities from Pollution

WASHINGTON (April 1, 2020) – The Environmental Protection Agency must issue an emergency rule protecting public health following its recent non-enforcement policy that encourages industries to stop monitoring and reporting pollution in the midst of the COVID-19 pandemic, according to a petition filed today by the Natural Resources Defense Council and a coalition of environmental justice, climate justice, and public interest advocacy groups. The directive creates a serious and immediate risk to people and communities, especially those overburdened by air and water pollution.

“This is a cruel paradox. The EPA is using an unprecedented public health crisis to justify allowing polluters to put our health at even greater risk—at a time when we most need their protection,” **said Gina McCarthy, president and CEO of the Natural Resources Defense Council.** “That’s especially true for communities of color who disproportionately live with higher levels of pollution close to their homes. And it’s especially egregious because these same communities face higher risks from COVID-19, as a result of pollution-related heart and lung problems. This agency is abandoning its responsibility to protect our health. It’s time for EPA do its job and stop doing polluters’ dirty work.”

The groups petitioned the EPA to issue a rule requiring companies that take advantage of the policy to publicly disclose—in writing—when they stop monitoring or reporting their air and water pollution emissions, along with a detailed justification for doing so. The petition also urges EPA to notify the public by publishing that information within one day of notice from the companies.

The groups further called on EPA to issue this final rule within seven days, as any further delay would likely lead to widespread noncompliance in the meantime, resulting in serious damage to public health. Also, the most impacted would be already overburdened communities and people living near facilities that pollute.

“This suspension of EPA enforcement adds a heightened anxiety to environmental justice communities, far too many of which live in fear of potential explosions at nearby industrial facilities,” **said Michele Roberts, National Co-Coordinator for the Environmental Justice Health Alliance.** “The policy is devastating to communities and one of its first impacts – leaving the public in the dark – must be stopped immediately through a rule that requires facilities to tell the public that they have stopped monitoring their own pollution so we can act.”

“Frontline communities were already living with a public health crisis due to disproportionate exposure to toxic pollution the EPA is charged with monitoring and mitigating, long before COVID-19 exacerbated the

situation,” explained **Climate Justice Alliance Executive Director, Angela Adrar**. “We demand EPA do its job and give frontline communities a fighting chance to live their power during these challenging times that require a Just Recovery, not a free pass for polluters.”

“In shameless exploitation of the coronavirus emergency, the Trump administration has announced that it will stop enforcing our nation’s environmental rules,” said **Robert Weissman, President of Public Citizen**. “Requiring transparency, as we request in this petition, is a simple but crucial way to make sure that enforcement gets back on track after the emergency ends.”

In its non-enforcement directive issued last week, EPA asks—but does not require—companies to inform the agency if they stop monitoring pollution for COVID-19-related reasons. Environmental monitoring and reporting are essential for at-risk communities around the country.

People need accurate and timely information about their environment in order to protect themselves from pollution —especially in the midst of a pandemic that puts those with heart and lung disease at higher risk.

Monitoring and reporting also serve a critically important deterrent function. Facilities are more likely to stay within their pollution limits if they know someone is watching. EPA’s dangerous new non-enforcement policy will mean not only less information but also more pollution in already-overburdened communities.

COVID-19 is exacerbating social and environmental injustices in low-income communities and communities of color who live with disproportionate levels of pollution every day. These communities have higher rates of chronic respiratory problems, cancer and disease, making them more vulnerable to the worst impacts of COVID-19. Additionally, while experts stress the importance of frequent hand-washing to stop the spread of the disease, these communities are more likely to live with unsafe, unreliable, or unaffordable water supplies.

The NRDC and coalition groups’ petition is here: <https://www.nrdc.org/resources/petition-emergency-rulemaking-administrator-united-states-environmental-protection-agency>

###

The Natural Resources Defense Council (NRDC) is an international nonprofit environmental organization with more than 3 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at [NRDC.org](https://www.nrdc.org) and follow us on Twitter [@NRDC](https://twitter.com/NRDC).

The Environmental Justice Health Alliance (EJHA) is a national network of communities of color, Indigenous communities, and low-income communities that are disproportionately impacted by toxic chemical hazards. EJHA works to address the multiple harms caused by the hazardous chemical and energy industries — including waste, pollution, and health hazards — and support community-based solutions that improve health and well-being. Visit us at www.Ej4All.org.

The Climate Justice Alliance is a national member alliance of 70 urban and rural frontline communities, organizations and supporting networks in the climate justice movement. CJA is dedicated to building Just Transitions away from extractive systems of production, consumption and political oppression, and towards resilient, regenerative and equitable economies. www.climatejusticealliance.org

ELIZABETH HEYD

Sr. Communications Program Asst

NRDC

NATURAL RESOURCES

DEFENSE COUNCIL

1152 15TH STREET NW, SUITE 300

WASHINGTON, DC 20005

T 202-289-2424

M 202-813-8315

EHEYD@NRDC.ORG

@NRDCPRESS

NRDC.ORG

Please save paper.
Think before printing.

If you would rather not receive future communications from Natural Resources Defense Council, let us know by clicking [here](#).
Natural Resources Defense Council, 1152 15th St NW Suite 300, Washington, DC 20005 United States

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 4/2/2020 9:10:37 PM
To: Kelsey Tamborrino [ktamborrino@politico.com]; Press [Press@epa.gov]
Subject: RE: For Politico

Ok thanks

From: Kelsey Tamborrino <ktamborrino@politico.com>
Sent: Thursday, April 2, 2020 5:08 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Press <Press@epa.gov>
Subject: RE: For Politico

8 p.m., if possible. This would be for tomorrow's Morning Energy.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, April 2, 2020 5:07 PM
To: Kelsey Tamborrino <ktamborrino@politico.com>; Press <Press@epa.gov>
Subject: RE: For Politico

What's your deadline

From: Kelsey Tamborrino <ktamborrino@politico.com>
Sent: Thursday, April 2, 2020 4:49 PM
To: Press <Press@epa.gov>
Subject: For Politico

Hi all,

I wanted to reach out on the administrator's tweets this afternoon regarding former Administrator Gina McCarthy and former Assistant Administrator Cynthia Giles (screenshots attached).

Does EPA have any further comment on the tweets, which appear to have been deleted?

Thanks,

Kelsey Tamborrino | Energy Reporter | **POLITICOPRO**
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
(610) 730-8386 | Twitter: [@kelsevtam](https://twitter.com/kelsevtam)

Message

From: Kelsey Tamborrino [ktamborrino@politico.com]
Sent: 4/2/2020 8:49:21 PM
To: Press [Press@epa.gov]
Subject: For Politico
Attachments: Capture3.PNG; Capture2.PNG

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EPA Administrator Andrew Wheeler  @EPAAWheeler · 2h



Replying to @EPAAWheeler

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1



4



7



EPA Administrator Andrew Wheeler  @EPAAWheeler · 2h



In 2012, 8 of the enforcement discretion actions issued by former Assistant Admin Giles suspended enforcement of entire sections of the Code of Federal Regulations, incl. state implementation plan & permit requirements, rather than making facility specific determinations.



2



5



4



EPA Administrator Andrew Wheeler  @EPAAWheeler · 2h



The reality is, the current #COVID19 pandemic presents an unprecedented situation that impacts all areas of all 50 states.



3



5



6





EPA Administrator Andrew Wheeler ✓

@EPAAWheeler



While we are working hard to protect Americans & the workers who employ critical services, former Obama officials Gina McCarthy and Cynthia Giles are busy spreading misinformation to incite unnecessary anxiety. In the process, they seemed to have forgotten their own actions:

2:11 PM · Apr 2, 2020 · Twitter Web App

6 Retweets **15** Likes

Message

Sent: 4/2/2020 9:09:21 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: For Politico

We should not have taken these down.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, April 2, 2020 5:06 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>
Subject: FW: For Politico

We now have this...

If we want to be vague we could use the following:

EPA Spokesperson:

(b) (5)

If not, we could say:

(b) (5)

From: Kelsey Tamborrino <ktamborrino@politico.com>
Sent: Thursday, April 2, 2020 4:49 PM
To: Press <Press@epa.gov>
Subject: For Politico

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1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
(610) 730-8386 | Twitter: [@kelseytam](https://twitter.com/kelseytam)

Message

Sent: 4/2/2020 2:44:53 PM
To: Johnson, Taylor [Johnson.Taylor.C@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

I made some edits below. I love the infographic.

(b) (5)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Thursday, April 2, 2020 10:10 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

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From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, April 2, 2020 10:00 AM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
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<https://www.eenews.net/climatewire/2020/04/02/stories/1062763069>

Let's call out this complete BS/ one-sided article that ignores a reduction Highway fatalities and the rest of the good news. Plus their focus on PM (premature deaths) ignores the reality that this is a rule focused on CO2 reductions – we control PM in a range of other programs (like NAAQS/ NSR ...)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Thursday, April 2, 2020 9:57 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

Will do. I will also get Science Transparency tweets over shortly.

Ben – please see below. We can connect after this call ends to discuss.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, April 2, 2020 9:55 AM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

These are great. Two suggested edits highlighted below.

(b) (5)



From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Thursday, April 2, 2020 9:36 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FOR REVIEW: Enforcement Letter Tweets

AAW:

(b) (5)



EPA main:

(b) (5)



Taylor C. Johnson
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2107

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From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 3/26/2020 11:16:26 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: a couple questions on the compliance memo

FYI – the story is up. The story itself is what we expected but this headline is ridiculous. Let me know if we want to push back on this.

E.P.A., Citing Coronavirus, Drastically Relaxes Rules for Polluters

<https://www.nytimes.com/2020/03/26/climate/epa-coronavirus-pollution-rules.html>

WASHINGTON — The Environmental Protection Agency on Thursday announced a sweeping relaxation of environmental rules in response to the coronavirus pandemic, allowing power plants, factories and other facilities to determine for themselves if they are able to meet legal requirements on reporting air and water pollution.

The move comes amid an influx of requests from businesses for a relaxation of regulations as they face layoffs, personnel restrictions and other problems related to the coronavirus outbreak.

Issued by the E.P.A.'s top compliance official, Susan P. Bodine, the policy sets new guidelines for companies to monitor themselves for an undetermined period of time during the outbreak and says that the agency will not issue fines for violations of certain air, water and hazardous-waste-reporting requirements.

"In general, the E.P.A. does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the E.P.A. agrees that Covid-19 was the cause of the noncompliance and the entity provides supporting documentation to the E.P.A. upon request," the order states.

It said the agency's focus during the outbreak would be "on situations that may create an acute risk or imminent threat to public health or the environment" and said it would exercise "discretion" in enforcing other environmental rules.

The order asks companies to "act responsibly" if they cannot currently comply with rules that require them to monitor or report the release of hazardous air pollution. Businesses, it said, should "minimize the effects and duration of any noncompliance" and keep records to report to the agency how Covid-19 restrictions prevented them from meeting pollution rules.

"E.P.A. is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from Covid-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," Andrew R. Wheeler, the E.P.A. administrator, said in a statement.

Environmental groups and former Obama administration officials described the policy as an unprecedented relaxation of rules for petrochemical plants and other major polluters.

Gina McCarthy, who led the E.P.A. under the Obama administration and now serves as president of the Natural Resources Defense Council, called it “an open license to pollute.” She said that while individual companies might need flexibility, “this brazen directive is nothing short of an abject abdication of the E.P.A. mission to protect our well being.”

Cynthia Giles, who headed the E.P.A. enforcement division during the Obama administration, said: “This is essentially a nationwide waiver of environmental rules. It is so far beyond any reasonable response I am just stunned.”

Other observers defended the move. Granta Nakayama, a partner at the law firm King & Spalding who served in the E.P.A.’s office of compliance under President George W. Bush, said the memo did not give companies a free pass to pollute, but rather provided guidance in a challenging situation where many industries are facing unique circumstances.

“It’s a very straightforward and sensible, in my view, guidance,” he said.

Agency officials said the new policy relaxes compliance for monitoring and reporting only so that facilities can concentrate on ensuring that their pollution-control equipment remains safe and operational.

“It is not a nationwide waiver of environmental rules,” said Andrea Woods, an E.P.A. spokeswoman. “For situations outside of routine monitoring and reporting, the agency has reserved its authorities and will take the pandemic into account on a case-by-case basis.”

The memo said the compliance changes were retroactive to March 13.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Sent: Thursday, March 26, 2020 6:24 PM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

This is good by me.

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Thursday, March 26, 2020 5:52 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

Great – will follow up with Lisa.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 5:43 PM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

From: Bodine, Susan

Sent: Thursday, March 26, 2020 5:18 PM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hull, George <Hull.George@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

(b) (5)

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Thursday, March 26, 2020 5:10 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hull, George <Hull.George@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: FW: a couple questions on the compliance memo

Please see below inquiry... she's working on an ASAP deadline but will update with our statement. OECA, can you send some info ASAP on her first two questions?

I pulled some language from our talking points on the third question:

Safe operation of facilities and safe drinking water are critically important, so the policy does not provide broad enforcement discretion for acute risks or imminent threats or for public water systems.

Will work on her last question and will send around ASAP.

From: Friedman, Lisa <lisa.friedman@nytimes.com>

Sent: Thursday, March 26, 2020 4:59 PM

To: Press <Press@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>

Subject: a couple questions on the compliance memo

- How many 'no action assurance' requests did EPA receive since March 13? Are they publicly available?
- Can you offer any specific examples of companies or entities that are facing difficulties complying with environmental laws based on personnel shortages, etc?
- Does EPA not retain its authority to act if there is an imminent threat? I don't see any language like that in here.
- One person I spoke with described this as a nationwide waiver of environmental rules. Can you respond to that specifically - do you agree with that characterization?

Thank you

Lisa

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 4/2/2020 9:05:31 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: FW: For Politico
Attachments: Capture3.PNG; Capture2.PNG

We now have this...

(b) (5)



From: Kelsey Tamborrino <ktamborrino@politico.com>
Sent: Thursday, April 2, 2020 4:49 PM
To: Press <Press@epa.gov>
Subject: For Politico

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1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
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EPA Administrator Andrew Wheeler  @EPAAWheeler · 2h



Replying to @EPAAWheeler

Under the leadership of former Administrator Lisa Jackson & former Assistant Administrator Cynthia Giles, EPA issued or invoked at least 13 separate enforcement discretion actions, as well as five fuel waivers.



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2:11 PM · Apr 2, 2020 · Twitter Web App

6 Retweets **15** Likes

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From: Walters, Ben [Walters.Ben@epa.gov]
Sent: 4/2/2020 4:37:03 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: FOR REVIEW: Enforcement Letter Tweets
Attachments: SAFE RULE .jpg

Mandy,

Per our conversation, here is the updated infographic. Does this look good?

Ben Walters

Special Advisor for Digital Media
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: 202-564-9428
M: 202-923-5203

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, April 2, 2020 12:25 PM
To: Walters, Ben <Walters.Ben@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

Hold on using this one. Ben, I'm calling.

From: Walters, Ben <Walters.Ben@epa.gov>
Sent: Thursday, April 2, 2020 12:24 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>
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Sent: Thursday, April 2, 2020 11:20 AM
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Sent: Thursday, April 2, 2020 10:10 AM

To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>

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Subject: FOR REVIEW: Enforcement Letter Tweets

AAW:

(b) (5)



EPA main:

(b) (5)



Taylor C. Johnson
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2107

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Message

From: Walters, Ben [Walters.Ben@epa.gov]
Sent: 4/2/2020 4:23:50 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Johnson, Taylor [Johnson.Taylor.C@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
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Subject: RE: FOR REVIEW: Enforcement Letter Tweets

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[REDACTED]

[REDACTED]

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Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
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AAW:

(b) (5)

EPA main:

(b) (5)

Taylor C. Johnson
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2107

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Message

From: Johnson, Taylor [Johnson.Taylor.C@epa.gov]
Sent: 4/2/2020 3:35:59 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Walters, Ben [Walters.Ben@epa.gov]
Subject: RE: FOR REVIEW: Enforcement Letter Tweets
Attachments: 4.2.2020 Admin Wheeler.docx; Mandy-TW-4-2-20.jpg

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Enforcement

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perfect

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Mandy,

Per our conversation, here is the updated infographic. Does this look good?

Ben Walters

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Message

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I'm good with the rest of the enforcement and transparency tweets – I love the graphic! More of these in future please



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E&E

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Enforcement

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Science Transparency

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EPA main:

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To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

(b) (5)

[REDACTED]

Ben put this infographic together yesterday if you think it would be good to include in the tweet?

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, April 2, 2020 10:00 AM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

One final request, we need to push back against E&Es article this morning:
<https://www.eenews.net/climatewire/2020/04/02/stories/1062763069>

Let's call out this complete BS/ one-sided article that ignores a reduction Highway fatalities and the rest of the good news. Plus their focus on PM (premature deaths) ignores the reality that this is a rule focused on CO2 reductions – we control PM in a range of other programs (like NAAQS/ NSR ...)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Thursday, April 2, 2020 9:57 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Walters, Ben <Walters.Ben@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

Will do. I will also get Science Transparency tweets over shortly.

Ben – please see below. We can connect after this call ends to discuss.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, April 2, 2020 9:55 AM
To: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: FOR REVIEW: Enforcement Letter Tweets

These are great. Two suggested edits highlighted below.

(b) (5)

From: Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Sent: Thursday, April 2, 2020 9:36 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FOR REVIEW: Enforcement Letter Tweets

AAW:

(b) (5)

EPA main:

(b) (5)

Taylor C. Johnson
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2107

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Message

From: Schiermeyer, Corry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: 4/2/2020 8:25:06 PM
To: Johnson, Taylor [Johnson.Taylor.C@epa.gov]
Subject: FW: EPA: Wheeler pushes back on critics of enforcement policy -- Thursday, April 2, 2020 -- www.eenews.net

What I just sent you...see highlighted

From: Hubbard, Joseph <Hubbard.Joseph@epa.gov>
Sent: Thursday, April 2, 2020 4:22 PM
To: AO OPA Individual News Clips <AO_OPA_Ind_News_Clips@epa.gov>
Subject: EPA: Wheeler pushes back on critics of enforcement policy -- Thursday, April 2, 2020 -- www.eenews.net

<https://www.eenews.net/eenewspm/2020/04/02/stories/1062770319>

Wheeler pushes back on critics of enforcement policy

Corbin Hiar, E&E News reporter Published: Thursday, April 2, 2020

EPA



EPA Administrator Andrew Wheeler during a hearing last month. Francis Chung/E&E News

EPA this afternoon vigorously defended its controversial enforcement policy during the novel coronavirus crisis, pushing back on claims by lawmakers and the agency's former leaders.

The policy, issued late last week, relaxes routine monitoring requirements for facilities across the country for an unspecified period of time (*E&E News PM*, March 26).

"EPA's enforcement authority and responsibility remains active," Administrator Andrew Wheeler said in a news release highlighting a letter the agency's enforcement chief had sent to every member of Congress.

"This is not a nationwide waiver of environmental rules," he added. "We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public."

But Wheeler took a more confrontational tone with critics of the agency's new policy — including his Obama-era predecessor, Gina McCarthy, who described it to E&E News as "don't ask, don't tell for pollution."

"While we are working hard to protect Americans & the workers who employ critical services, former Obama officials Gina McCarthy and Cynthia Giles are busy spreading misinformation to incite unnecessary anxiety," he said in a tweet thread, referring to the former EPA administrator and enforcement chief.

"In the process, they seemed to have forgotten their own actions," he said, before listing a series of moves Giles took to exercise enforcement discretion in response to Superstorm Sandy. "The reality is, the current #COVID19 pandemic presents an unprecedented situation that impacts all areas of all 50 states."

But in separate interviews earlier this week, McCarthy and Giles defended those actions as targeted and appropriate responses to clear public health threats.

"It certainly is true that in an emergency situation, there can be circumstances that could legitimately give rise to a narrow-tailored 'No Action Assurance,' where doing that is necessary to protect the public," Giles said, referring to promises EPA can make to not penalize facilities for pollution.

By way of example, she recounted granting assurances to certain power plants that needed to shut down before hurricanes without taking every environmental and safety precaution because the alternative — remaining in operation during the storm — would have been much worse.

On the other hand, "this entire document that was issued [last] Thursday is a No Action Assurance," said Giles, who's currently a guest fellow at Harvard Law School. "That's what it is."

In nearly identical letters to the Senate and House, EPA said that its new enforcement policy "does require case-by-case determinations," wrote Susan Bodine, the current enforcement chief. "But under the Temporary Policy, those determinations will be made after the pandemic is over and EPA reserves the right to disagree with any assertion that noncompliance was caused by the pandemic."

The letters were addressed to Sen. Dianne Feinstein (D-Calif.) and Reps. Mike Quigley (D-Ill.) and Katie Porter (D-Calif.), each of whom had sent EPA letters in recent days critical of the new policy.

Yet McCarthy, who now leads the Natural Resources Defense Council, and other environmentalists worry that the Trump administration won't disagree with any of those assessments — if it reviews them at all. Facilities are required to keep records showing how the pandemic prevented them from doing routine monitoring and only need to provide them to EPA "upon request."

NRDC and a coalition of environmental and public health groups yesterday urged EPA to require facilities to inform the agency when the coronavirus has affected their ability to do monitoring and post those notifications online. The agency is still reviewing their emergency petition ([*Greenwire*](#), April 1).

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 4/2/2020 1:49:37 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
Attachments: 2020-04-02 EPA Temporary Enforcement Compliance Guidance Letter-Porter.pdf

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Travis Voyles
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-6399
C: (202) 309-6931

Message

From: Woods, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=556F31DBF41F4F95A5BF1B816C447327-WOODS, ANDR]
Sent: 4/2/2020 1:09:28 PM
To: Voyles, Travis [Voyles.Travis@epa.gov]
Subject: FW: Letters for Review
Attachments: 2020-04-XX EPA-Johnson (Science Transparency)_DRAFT.docx; 2020-04-01 EPA Temporary Enforcement Compliance Guidance Letter_DRAFT.docx

This is the final copy of the enforcement letter, correct?

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Wednesday, April 1, 2020 4:35 PM
To: adm15.arwheeler.email <adm15.arwheeler.email@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: Letters for Review

Sir,

Attached are two letters for your review. The first is the enforcement letter, currently addressed to the House and Senate leadership. It will be signed by Susan and sent tomorrow morning before 10:00a.m. per OPA. The second is the letter to Chairwoman Johnson on science transparency. It will be signed by you and sent tomorrow afternoon just before the briefing, which is at 4:00 p.m. and in preparation for a press release after that. Please let us know if you have any questions or comments.

Thank you,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189